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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAVID LEFKOWITH

Serial No.: 09/681,815

Filed: June 11, 2001

Group Art Unit: 3622

Examiner: Arthur D. Duran

For: METHOD AND SYSTEM FOR PROVIDING REBATES
TO AUTOMOBILE OWNERS BASED ON PURCHASES
MADE AT PARTICIPATING RETAILER LOCATIONS

Attorney Docket No.: FMC 1329 PUS (81048445)

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
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Sir:

This is an Appeal Brief from the final rejection of claims 1-23 of the Office
Action mailed on February 17, 2006 for the above-identified patent application.

07/18/2006 CRED1 00000019 061510 03681815
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I. REAL PARTY IN INTEREST

The real party in interest is Ford Motor Company ("Assignee"), a corporation organized and existing under the laws of the state of Delaware, and having a place of business at The American Road, Dearborn, Michigan 48121, as set forth in the assignment recorded in the U.S. Patent and Trademark Office on January 21, 2003 at Reel 011701/Frame 0688.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences related to the present appeal.

III. STATUS OF CLAIMS

Claims 1-23 are pending in this application. Claims 1-23 have been rejected and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

None.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 recites a method for providing rebates to automobile owners based on purchases made at participating retailer locations. (Page 2, ll. 14-16). The method includes providing an automobile to a customer wherein the automobile has been acquired by the customer, (Page 4, ll. 10-12), and providing the customer with a customer identification badge containing a plurality of customer information, (Page 4, ll. 14-17). The method also includes electrically receiving the customer information stored within the customer identification badge at a point of sale computer, (Page 6, ll. 18-20), and electrically transmitting point of sale purchase information and the customer information over a computer network to a computer at a rebate processing center remote from the point of sale computer, (Page 6, ll. 21-30). The method further includes providing a rebate to the customer wherein the rebate is calculated based on the purchase information, (Page 7, ll. 1-17), and wherein the

customer identification badge expires after a pre-determined time interval if the customer does not verify that he or she continues to possess the automobile, (Page 10, ll. 5-26).

Independent claim 13 recites a system for providing rebates to automobile owners based on purchases made at participating retailer locations. (Page 2, ll. 28-31). The system includes a first computer configured to encode a customer identification badge with customer information pertaining to a customer who has acquired an automobile, (Page 5, ll. 21-26), and a second computer at a participating retailer location, (Page 6, ll. 12-14). The second computer is configured to retrieve the customer information from the customer identification badge at a point of sale, (Page 6, ll. 14-20), and transmit the customer information and point of sale purchase information to a third computer at a rebate processing center, (Page 6, ll. 21-27). The system further includes a third computer at a rebate processing center. (Page 6, ll. 27-28). The third computer is configured to receive the point of sale purchase information and the customer information from the second computer, (Page 6, ll. 25-30), and generate a rebate for the customer based on the purchase information, (Page 7, ll. 14-17). The customer identification badge expires after a pre-determined time interval if the customer does not verify that he or she continues to possess the automobile. (Page 10, ll. 5-26).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3, 6-10, 13-15, and 18-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,537,314 (Kanter) in view of U.S. Patent Pub. No. 2002/0032626 (DeWolf). Claims 4 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kanter in view of DeWolf and in further view of U.S. Patent No. 5,612,527 (Ovadia). Claims 5 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kanter in view of DeWolf in further view of U.S. Patent No. 6,149,466 (Bricauld). Claims 11, 12, 22, and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kanter in view of DeWolf in further view of U.S. Patent No. 5,359,182 (Schilling).

VII. ARGUMENT

A. *The Examiner Fails To Establish A Prima Facie Case Of Obviousness For Claims 1 and 13*

Kanter and DeWolf each fail to teach, disclose, or suggest a customer identification badge that expires after a predetermined time interval if the customer does not verify that he or she continues to possess the automobile, as each of independent claims 1 and 13 recite. *See* MPEP 2143.03 (“All Claim Limitations Must Be Taught Or Suggested.”)

The Examiner appears to rely on the following three paragraphs from the DeWolf reference to find this claim limitation:

In one embodiment, the vehicle asset record is transferred from the manufacturer or dealer to the buyer or other party. The transfer of the asset record can be done in numerous ways. In one embodiment, the asset record is transferred via a digital medium, such as, floppy disk, zip disk, tape drive, CD, DVD, smart card, etc. In a preferred embodiment, the asset record is transferred over a computer network, such as the Internet. Using the Internet allows the manufacturer or dealer to make the vehicle asset record available to customers or other interested parties even if they are remotely located.

[0109].

In one embodiment, the manufacturer or dealer (e.g. GM) would offer this service for free. The auto buyer would be provided with a complete record of the origin and creation of the asset and the access to recording of subsequent relevant incidents during the life of the vehicle. Such incidents include manufacturer issued updates and recalls, dealer scheduled service, accidents and repairs, insurance claims, satisfaction of liens, involvement in criminal activity, transfer of ownership, etc. The owner would be responsible, along with vehicle's other co-interested parties such as insurance, finance, law enforcement agencies, etc. for accessing and updating the vehicle's record. This could be a free or fee for service. It could be offered for a specific time period (e.g. duration that auto is under warranty or service

contract) or offered indefinitely to a purchaser as a free service or for some consideration from the purchaser/owner. The vehicle registry service could be transferable or non-transferable (e.g. to a subsequent owner) depending on the interests of the registry service provider.

[0114].

In one embodiment, owners of the vehicle could be entered to maintain the vehicle record or to use certain maintenance/repair facilities that had access to and would update the vehicle record. For example, the owners may be offered a credit, discounts, reward points, etc. In another embodiment, if the owner used a particular credit card (i.e., issued by Ford or GM) the update of the vehicle record could be automatic.

[0115].

To the extent that the “floppy disk, zip disk, tape drive, CD, DVD, smart card” described in DeWolf ¶ 109 is considered to be the claimed “customer identification badge,” DeWolf simply does not teach or suggest that the badge expires after a predetermined time interval if the customer does not verify that he or she continues to possess the automobile. The Examiner has not found this limitation in the prior art, and claims 1 and 13 are patentable.

B. The Examiner Fails To Establish A Prima Facie Case Of Obviousness For Claims 2 and 14

Kanter and DeWolf each fail to teach, disclose, or suggest updating the customer identification badge to reflect that the customer continues to possess the automobile as each of claims 2 and 14 recite. See MPEP 2143.03 (“All Claim Limitations Must Be Taught Or Suggested.”) The Examiner again appears to rely on the three paragraphs above from the

DeWolf reference to find this claim limitation. DeWolf, however, fails to contemplate updating an ownership attribute associated with the vehicle asset record.


C. Claims 3-12 And 15-23 Are Patentable

Claims 3-12 and 15-23 are patentable at least because they depend from claims 1 and 13 respectively.

Please charge the fee of \$500 as applicable under the provisions of 37 C.F.R.
§ 41.20(b)(2) and any additional fee or credit any overpayment in connection with this filing
to the Deposit Account No. 06-1510.

Respectfully submitted,

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Enclosure - Appendices



VIII. CLAIMS APPENDIX

1. A method for providing rebates to automobile owners based on purchases made at participating retailer locations, the method comprising:

providing an automobile to a customer wherein the automobile has been acquired by the customer;

providing the customer with a customer identification badge containing a plurality of customer information;

electrically receiving the customer information stored within the customer identification badge at a point of sale computer;

electrically transmitting point of sale purchase information and the customer information over a computer network to a computer at a rebate processing center remote from the point of sale computer; and

providing a rebate to the customer wherein the rebate is calculated based on the purchase information, and wherein the customer identification badge expires after a pre-determined time interval if the customer does not verify that he or she continues to possess the automobile.

2. The method of claim 1, wherein the customer identification badge is updated to reflect that the customer continues to possess the automobile.

3. The method of claim 1 wherein the customer identification badge comprises a magnetically encoded wallet card.

4. The method of claim 1 wherein the customer identification badge comprises a bar code.

5. The method of claim 1 wherein the customer identification badge comprises a persistent memory module having input and output capabilities wherein the module is attached to the automobile.

6. The method of claim 1 wherein the rebate comprises a check mailed to the customer at quarterly annual time intervals.

7. The method of claim 1 wherein the rebate is electronically deposited into a bank account specified by the customer.

8. The method of claim 1 wherein the purchase information comprises a rebate amount that a participating retailer is willing to pay.

9. The method of claim 1 wherein the retailer provides payment to the rebate processing center to pay for the rebate.

10. The method of claim 1 additionally comprising transmitting the customer information from the automobile dealership to the rebate processing center.

11. The method of claim 1 wherein the automobile is leased to the customer.

12. The method of claim 1 wherein the automobile is rented to the customer.

13. A system for providing rebates to automobile owners based on purchases made at participating retailer locations, the system comprising:

a first computer configured to encode a customer identification badge with customer information pertaining to a customer who has acquired an automobile;

a second computer at a participating retailer location, the second computer configured to:

(i) retrieve the customer information from the customer identification badge at a point of sale; and

(ii) transmit the customer information and point of sale purchase information to a third computer at a rebate processing center; and

a third computer at a rebate processing center, the third computer configured to:

(i) receive the point of sale purchase information and the customer information from the second computer; and

(ii) generate a rebate for the customer based on the purchase information, wherein the customer identification badge expires after a pre-determined time interval if the customer does not verify that he or she continues to possess the automobile.

14. The system of claim 13 wherein the customer identification badge is updated to reflect that the customer continues to possess the automobile.

15. The system of claim 13 wherein the customer identification badge comprises a magnetically encoded wallet card.

16. The system of claim 13 wherein the customer identification badge comprises a bar code.

17. The system of claim 13 wherein the customer identification badge comprises a persistent memory module having input and output capabilities wherein the module is attached to the automobile.

18. The system of claim 13 wherein the third computer is additionally configured to facilitate electronic direct deposit of the rebate into a bank account specified by the customer.

19. The system of claim 13 wherein the purchase information comprises a rebate amount that the participating retailer is willing to pay.

20. The system of claim 13 wherein the second computer at the retailer location is additionally configured to facilitate the retailer's electronic payment to the rebate processing center for the rebate.

21. The system of claim 13 wherein the first computer is additionally configured to transmit the customer information to the third computer at the rebate processing center.

22. The system of claim 13 wherein the first computer is configured to encode a customer identification badge with customer information pertaining to a customer who has leased an automobile from the dealer.

23. The method of claim 13 wherein the first computer is configured to encode a customer identification badge with customer information pertaining to a customer who has rented an automobile from the dealer.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.